

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES L. KENNEDY,)
)
Plaintiff,)
)
vs.) Case No. 4:07CV1737 CDP
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
)
Defendant.)

ORDER

This matter is before me on plaintiff's motion for attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412. Plaintiff seeks fees in the amount \$2,090.11. Defendant has not objected.

On February 5, 2009, I remanded this case to defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A claimant seeking judicial review of a final decision denying Social Security disability benefits may recover attorney's fees if he receives a sentence four remand. See Shalala v. Schaefer, 509 U.S. 292, 295-96 (1993). Because plaintiff prevailed and is not otherwise precluded from recovering attorney's fees, I find he is entitled to an award in the amount requested of \$2,090.11.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for attorney's fees [#19] and motion to correct the itemization of attorney time [#21] are granted.

IT IS FURTHER ORDERED that defendant pay plaintiff attorney's fees and costs in the amount of \$2,090.11.


Catherine D. Perry
CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of March, 2009.